

BEA: ABC
met. 5/29/96 lsh

AGREEMENT

#11489

Made this 11 day of April 1996, by and between Sin Kwon Kang, t/a Rotary Market, (the Applicant) and Advisory Neighborhood Commission 6B, (the ANC).

WITNESSETH

WHEREAS, Applicant's application for a Retailer's Class "B" license for premises, 201 15 th Street NE, ABC Application #11489, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of the ANC; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailer's Class "B" Liquor License at the subject premises;

WHEREAS, ANC 6B finds that the sale of single containers of beer, of less than 40 ounces, is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

WHEREAS, Applicant declares that ending the sale of single containers of beer, of less than 40 ounces, (which make up approximately 85% of their sales of alcoholic beverages) will result in financial hardship and will severely limit the successful operation of the Applicant's business;

NOW, THEREFORE, the parties agree as follows:

1. Applicant will make all diligent efforts to prohibit and prevent loitering and panhandling within 100 feet of the establishment by:

a. posting a "No Loitering/No Panhandling" sign on the outside of the establishment; and,

b. posting a sign inside the establishment requesting customers not to contribute to panhandlers; and,

c. asking loiters to move on whenever they are observed outside the establishment; and,

d. calling the MPD to remove the loiters if they refuse Applicant's request to move; and,

e. keeping a written record of dates and times when the MPD is called for assistance; and,

f. not installing any additional outdoor payphones outside the establishment; and,

2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:

a. picking up trash, including beverage bottles and cans, on a daily basis.

b. sweeping the outside of the establishment on a daily basis.

3.. Applicant will not offer for sale single containers of beer, of less than 40 ounces, after 9 p.m.

4. In consideration of, and reliance upon, the commitments reflected in the above paragraphs, the ANC now withdraws its opposition to Applicant's pending license application.

5. The parties further agree that any failure of Applicant to adhere to the foregoing commitments would constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:

ANC 6B:

By: 

By: 

appropriate). A good faith effort shall be made by the Protestants to secure the name of the individual to whom a report is made.

In consideration of, and reliance upon, the foregoing commitments, and with the understanding that the stated conditions will be made part of Applicant's license, Protestants hereby agree to withdraw their protest to the Applicant's App. Number 11402.

The applicant acknowledges that any failure to adhere to the foregoing commitments will constitute grounds for Protestants to petition the Board for revocation of Applicant's ABC license following a Show Cause Hearing pursuant to 23 DCMR 1513.5 or for violation of this agreement, in order to gain Applicant's compliance with this Agreement. Protestants agree to notify Applicant in writing of any alleged violation of this Agreement and shall afford Applicant fourteen (14) calendar days to correct, or to begin to correct, the violation, prior to notifying the Board.

This Agreement shall not preclude Protestants from exercising any other rights under the ABC statute or regulations, nor from challenging Applicant's compliance with any other District of Columbia laws or regulations not covered in this Agreement.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures:

for Applicant
JANA Corp. t/a Quality Hotel

LEO FERNANDES
Print Name

01 AUG 1994
Date

Bruce A. Knarr
for Protestant Bruce Knarr

BRUCE A. KNARR
Print Name

01 AUGUST 1994
Date

for Protestant
Dupont Circle ANC 2B

DENNIS BASS
Print Name

8/1/94
Date

for Protestant Meredith DeHart

Meredith L. De Hart
Print Name

8/1/94
Date

980806001

11489

ALCOHOL BEVERAGE CONTROL BOARD
JUL 12 11 39

AGREEMENT

Made this 21 day of July 1998, by and between Lim & Lim, t/a Rotary Market, (the Applicant) and Gottlieb Simon, Executive Director, Advisory Neighborhood Commission 6B, (the Protestant).

WITNESSETH

WHEREAS, Applicant's application for a Retailer's Class "B" license for premises, 201 15 th Street NE, ABC Application #11489, is now pending before the District of Columbia Alcoholic Beverage Control Board (ABC); and,

WHEREAS, the premises is within the boundaries of ANC 6B; and,

WHEREAS, the parties desire to enter into an agreement governing certain understandings regarding the issue of a Retailers's Class "B" Liquor License at the subject premises;

WHEREAS, ANC 6B and the Protestant find that the sale of single containers of beer, of less than 40 ounces, is associated with alcoholism, the illegal public consumption of alcohol, which, in turn, is associated with violence and other harmful and offensive behavior, including aggressive panhandling, and with the accumulation of destructive and publicly costly trash and litter; and,

WHEREAS, Applicant declares that ending the sale of single containers of beer, of less than 40 ounces, (which make up approximately 85% of their sales of alcoholic beverages) will result in financial hardship and will severely limit the successful operation of the Applicant's business;

NOW, THEREFORE, the parties agree as follows:

1. Applicant will make all diligent efforts to prohibit and prevent loitering and panhandling within 100 feet of the establishment by:

a. posting a "No Loitering/No Panhandling" sign on the outside of the establishment; and,

b. posting a sign inside the establishment requesting customers not to contribute to panhandlers; and,

c. asking loiters to move on whenever they are observed outside the establishment; and,

d. calling the MPD to remove the loiters if they refuse Applicant's request to move; and,

e. keeping a written record of dates and times when the MPD is called for assistance; and,

f. not installing any additional outdoor payphones outside the establishment; and,

2. Applicant will maintain the public space adjacent to the establishment in a clean and litter-free condition by:

a. picking up trash, including beverage bottles and cans, on a daily basis.

b. sweeping the outside of the establishment on a daily basis.

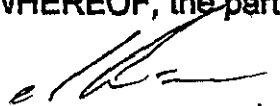
3. Applicant will not offer for sale single containers of beer, of less than 40 ounces, after 9 p.m.

4. In consideration of, and reliance upon, the commitments reflected in the above paragraphs, the Protestant now withdraws his opposition to Applicant's pending license application.

5. The parties further agree that any failure of Applicant to adhere to the foregoing commitments would constitute grounds for the Protestant or ANC 6B to petition the ABC Board for issuance of an order to show cause pursuant to 23 D.C.M.R. 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereto their hands and seals.

APPLICANT:


Chung I. Lim

PROTESTANT


GOTTLIEB SIMON

P-File

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:)

Sin Kwon Kang)

t/a Rotary Market)

Application for a Retailer's)

License Class "B" - renewal)

at premises)

201 15th Street, N.E.)

Washington, D.C.)

Case No. 11489-96027P

Gottlieb Simon, Acting Executive Secretary, Advisory Neighborhood
Commission 6B, Protestant

Sin Kwon Kang, Applicant

Bernard C. Dietz, Esquire, on behalf of Applicant

BEFORE: BARBARA L. SMITH, ESQUIRE, Chairperson;
DENNIS BASS, Member;
JAMES C. JEFFERSON, Member
JAMES L. O'DEA, III, ESQUIRE, Member
MARY EVA CANDON, ESQUIRE, Member
LAVERNE KING, Member
DUANE WANG, Member

ORDER ON WITHDRAWN PROTEST

This matter, having been protested, came before the Board on February 7, 1996, in accordance with D.C. Code Section 25-115 (c)(5)(1995 Supp.), providing for remonstrants to be heard. Gottlieb Simon, Acting Executive Secretary, on behalf of the Advisory Neighborhood Commission 6B (hereinafter "ANC 6B") filed a timely section 14 (b) protest by letter, dated January 18, 1996.

The official records of the Board reflect that parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board.^{1/} Pursuant to the Agreement, the Protestant has agreed to withdraw his protest provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

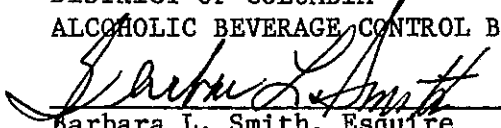
^{1/} See Agreement dated April 28, 1996.

Sin Kwon Kang
t/a Rotary Market
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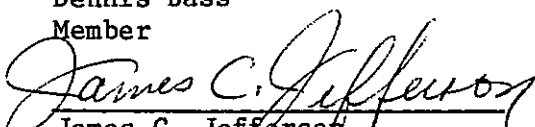
Accordingly, it is this 26 day of June 1996,
ORDERED that:

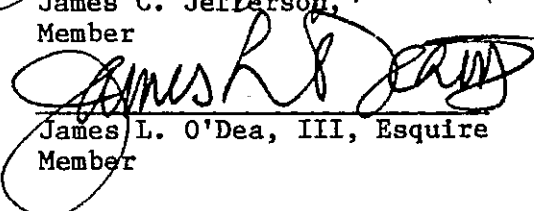
1. The section 14 (b) of Gottlieb Simon, Acting Executive Secretary, on behalf of ANC 6B, be, and the same hereby, is **WITHDRAWN**;
2. The above-referenced Agreement between the parties be, and the same hereby, is **INCORPORATED** as part of this Order;
3. The application of Sin Kwon Kang t/a Rotary Market for a retailer's license class B - renewal at location 201 15th Street, S.E., be, and the same hereby is **GRANTED**; and,
4. Copies of this Order shall be sent to the Protestant, the Attorney for the Applicant, and the Applicant.

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

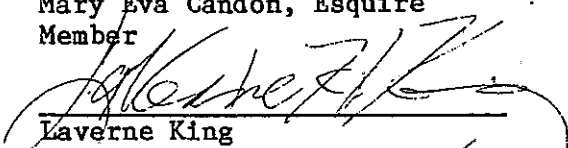

Barbara L. Smith, Esquire
Chair

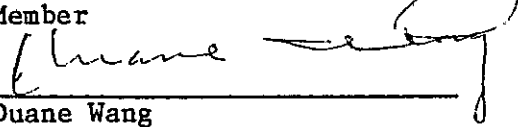
Dennis Bass
Member


James C. Jefferson,
Member


James L. O'Dea, III, Esquire
Member

Mary Eva Candon, Esquire
Member


Laverne King
Member


Duane Wang
Member